



FREDERICK COUNTY PLANNING COMMISSION

January 9, 2019

TITLE: CJ Miller Asphalt Plant

FILE NUMBER: SP-16-04A (AP #17807, FRO #17810)

REQUEST: Site Development Plan Approval

The Applicant is requesting site development plan approval for an asphalt production facility with stockpiling of product, construction of various structures and equipment for the production of hot-mix asphalt, and a 1,200 square foot office building, on a 25-acre site.

PROJECT INFORMATION:

ADDRESS/LOCATION: Buckeystown Pike (MD 85), located along Buckeystown Pike, south of Lime Kiln Road.

TAX MAP/PARCEL: Tax Map 95 Parcel 88

COMP. PLAN: Mineral Mining

ZONING: Mineral Mining

PLANNING REGION: Adamstown

WATER/SEWER: W-NPS/S-NPS

APPLICANT/REPRESENTATIVES:

APPLICANT: CJ Miller, LLC
OWNER: Double M, LLC
ENGINEER: Harris, Smariga & Associates
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Tim Goodfellow, Principal Planner II

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

Exhibit 1- CJ Miller Asphalt Plant Site Plan Rendering
Exhibit 2- October 5, 2016 Letter from Frederick County Zoning Administrator
Exhibit 3- August 9, 2017 CJ Miller Sketch Plan Staff Report
Exhibit 4 – Applicant Justification Statement per § 1-19-10.400.5(A)(4)

STAFF REPORT

ISSUE

Development Request

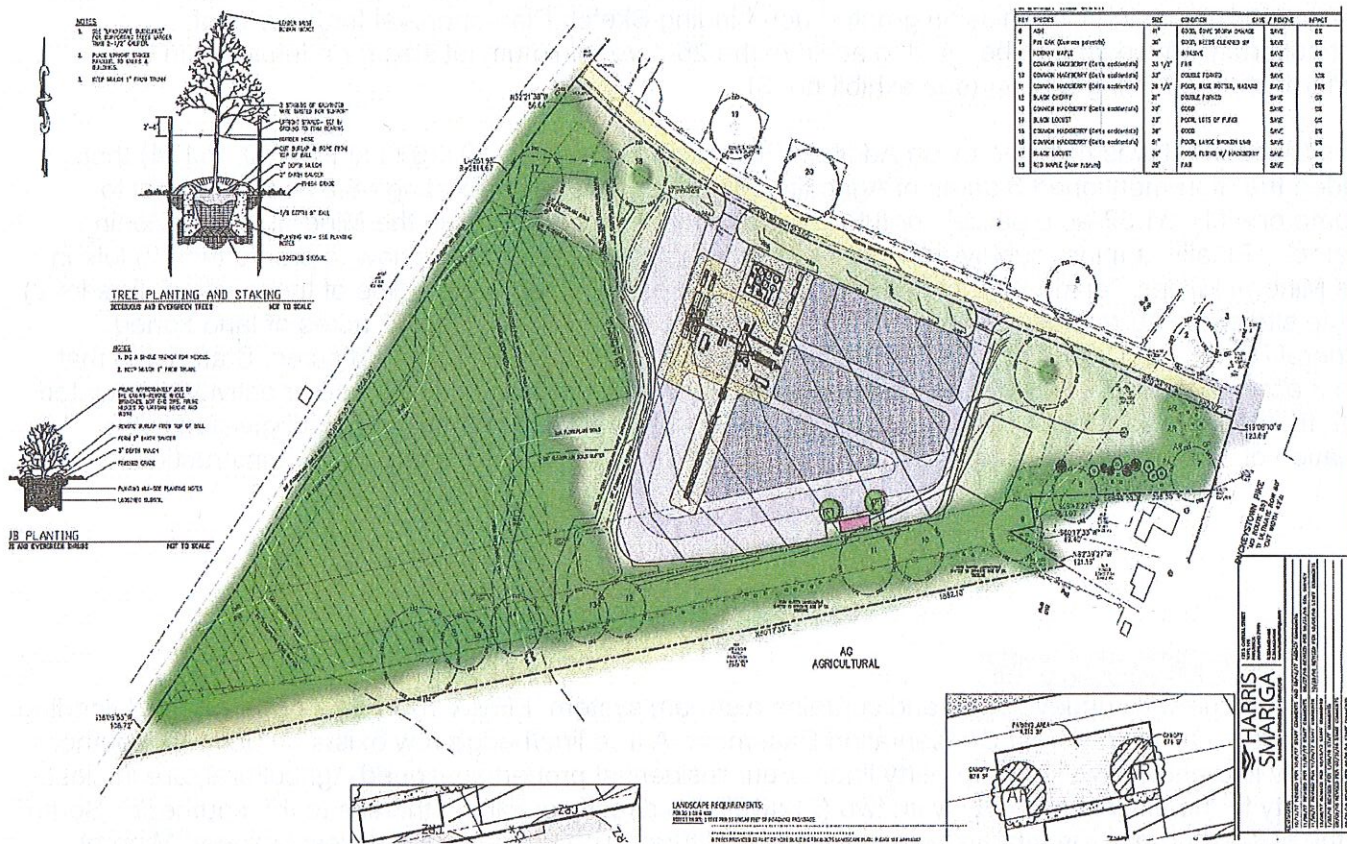
The Applicant is requesting site plan approval for development of a hot-mix, continuous-type asphalt production facility that utilizes aggregate stone and reclaimed/recycled asphalt product (RAP) on a 25-acre site. The plant components include:

- Stockpile areas and 'feeder' bins to send crushed aggregate and RAP into the plant
- Storage silos for the finished asphalt product ('hot mix') & their associated conveyors for hot mix transport to the silos
- Dryer Drums/Mixers
- Emission control facility ('baghouse')
- Storage tanks for liquid asphalt used in the production process
- Operation control center and scalehouse
- 1,200 s.f. office building
- Truck staging and parking areas

The proposed use is permitted in the Mineral Mining Zoning District, which allows "*mineral extraction and processing, including grinding, polishing, washing, mixing and sorting, stockpiling, and manufacture of finished products which contain at least 40% of material derived on site*" as stated in §1-19-10.400.6(A)(1) in the Zoning Ordinance.

The Maryland Department of the Environment (MDE) requires an air quality Permit to Construct and a Permit to Operate for asphalt plants and aggregate and RAP crushing/screening operations, which include a public participation process, emission controls for air pollutants, among other state requirements. The MDE requires the Permit to Construct to be obtained prior to actual construction of the facility.

Graphic #1: CJ Miller Asphalt Plant- Site Rendering



BACKGROUND

Development History

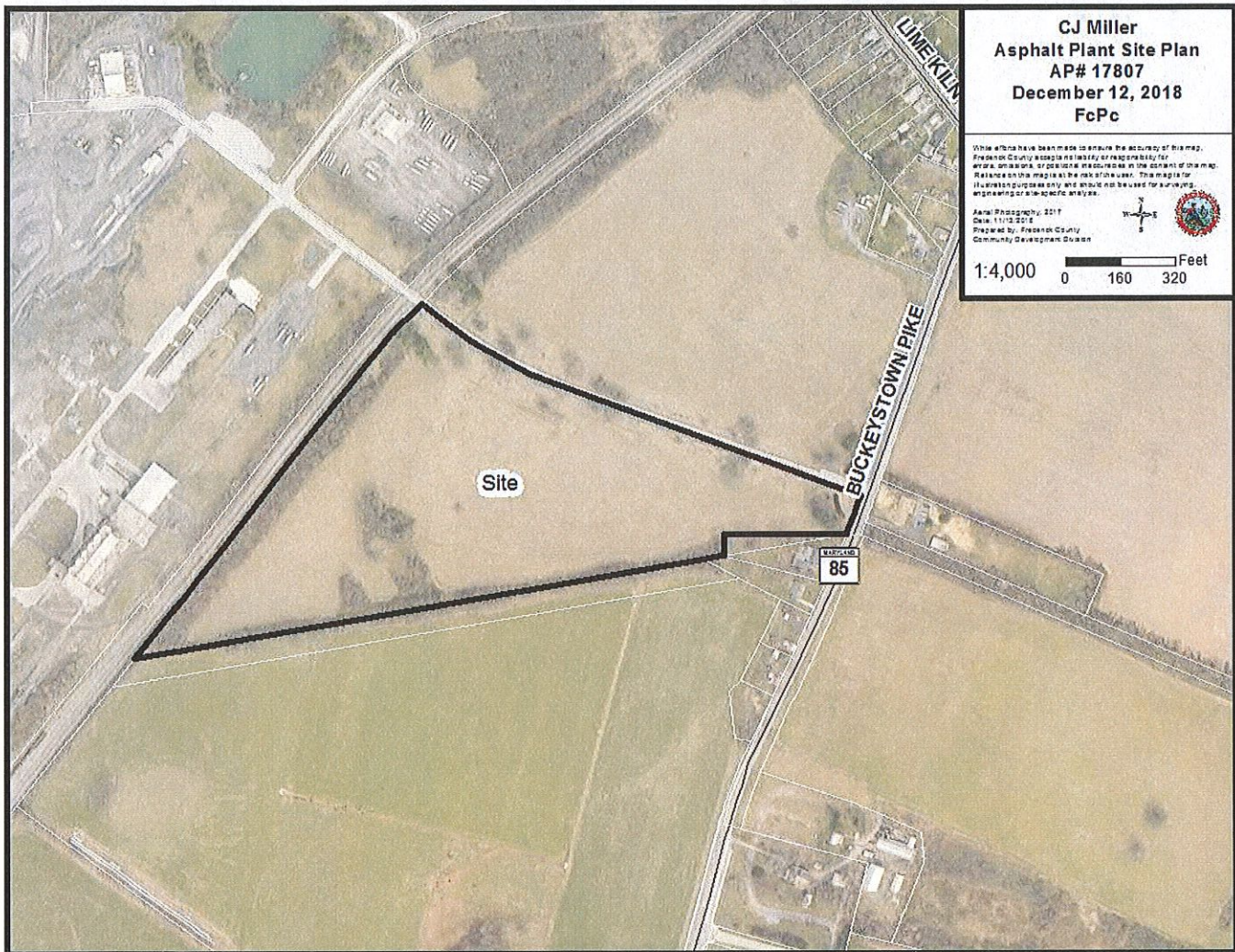
The Applicant received a determination from the Zoning Administrator in 2016 that an application for approval to establish an asphalt plant on the subject property was allowable (see Exhibit 2). On August 9, 2017, the Planning Commission granted non-binding Sketch Plan approval for 3-acres of Agriculturally-zoned land to be used to achieve the 25-acre minimum lot size for a future lot in the Mineral Mining Zoning District (see exhibit no. 3).

This Sketch Plat was followed by an Addition Plat (recorded August 10, 2018 at PB 100, P 174) that added the aforementioned 3 acres of Agriculturally-zoned land to an existing 48.319-acre parcel to create one (1) 51.32-acre parcel for future subdivision into two (2) lots in the Mineral Mining Zoning District. Finally, a minor subdivision plat (AP#18507) is currently under review to create two (2) lots in the Mineral Mining Zoning District that meet the 25-acre minimum lot size. One of these lots (future lot 2) is the site of the current asphalt plant site plan proposal, and contains 22.032 acres of land zoned Mineral Mining and 3.006 acres of land zoned Agricultural, for a total of 25.038 acres. Staff notes that the 3 acres of Agriculturally-zoned land on (future) lot 2 is not planned for any use or activity associated with the asphalt plant facility or operations. Future lot 1 within this Mineral Mining subdivision is the location of York Building Products, approved through SP 16-04 and currently under construction.

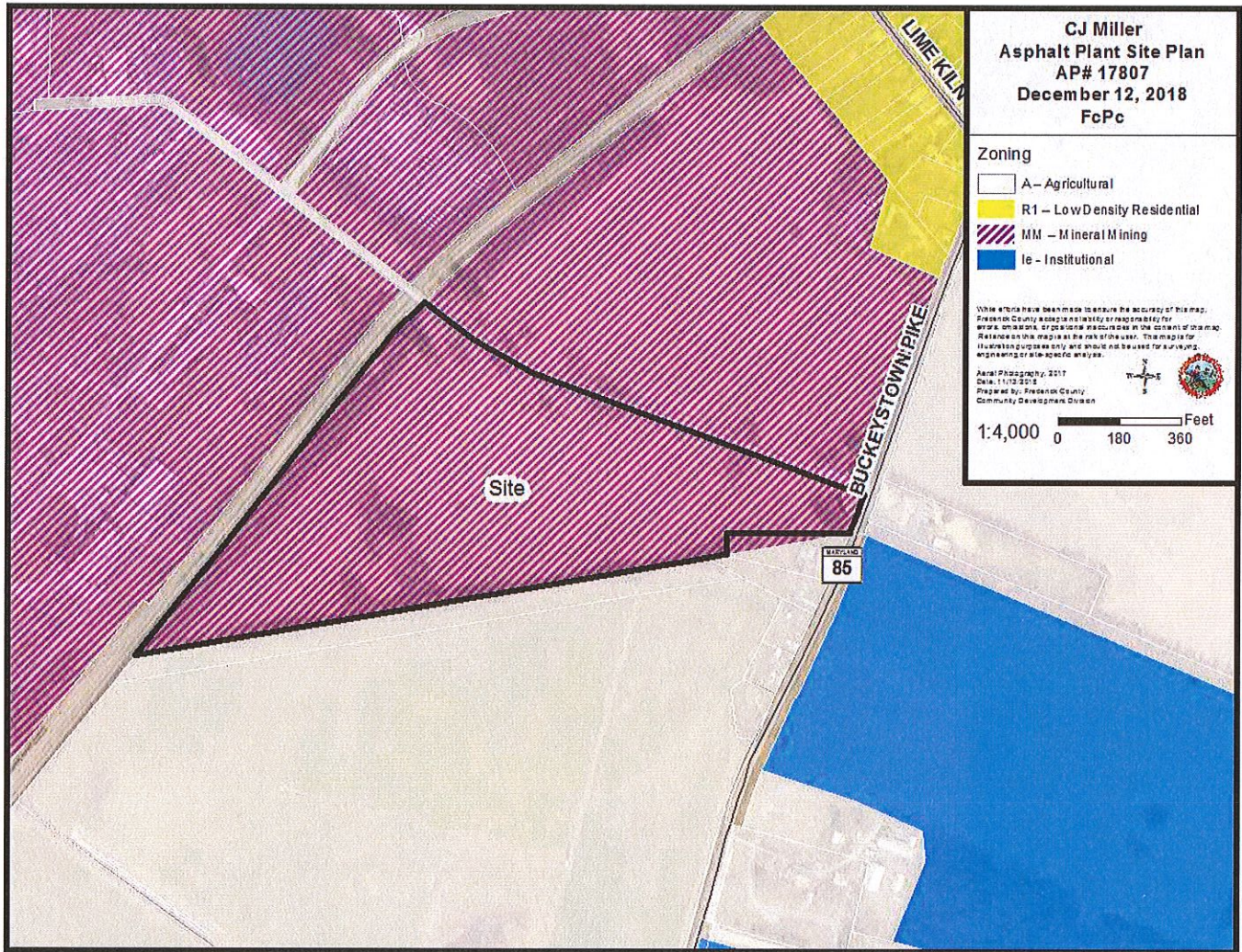
Existing Site Characteristics

The site is currently undeveloped and contains a stream system, FEMA 100-year floodplain, and flooding soils, plus an existing Forest Conservation Easement. A tree line/hedge row exists on both the southern property line and the western property line. Four residential properties, zoned Agricultural, are in close proximity to the subject property, with two (2) dwellings directly adjoining the site to the southeast. South of the subject property is a large farm, zoned Agricultural. The property to the west is zoned Mineral Mining and is developed with Essroc quarry. Development is underway on the York Building Products facility, located directly to the north of the subject property.

Graphic #2: CJ Miller Asphalt Plant- Aerial Photography



Graphic #3: CJ Miller Asphalt Plant- Zoning



ANALYSIS

Summary of Development Standards Findings and Conclusions

There are many standards in the Zoning Ordinance that address mineral mining operations and this staff report describes how the Applicant addresses these standards listed in §1-19-10.400.5 of the Zoning Ordinance. Staff notes that the Applicant indicates on Sheet no. 3 that design plans for the asphalt plant are not finalized. Details and multi-dimensional drawings/diagrams that depict the height, mass, and bulk of the asphalt plant and all equipment and components are needed for a fuller examination of the site plan.

Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County zoning ordinance.

Site Development §1-19-3.300.4 (A): Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

Findings/Conclusions

1. Dimensional Requirements/Bulk Standards §1-19-10.400.7:

The proposed Site Development Plan adheres to the lot dimensions and required setbacks for a manufacturing, stockpile and building use in the Mineral Mining Zoning District.

The proposed setbacks are the following:

	<u>Required</u>	<u>Proposed</u>
Minimum Lot Area	25 acres	25.038 acres
Minimum Lot Width	300'	123' (BRL set at 300 ft. lot width)
Max Building Height	100'	100'

<i>Type of Operation:</i>	<i>Adjacent Zoning:</i>			
	<i>RC, R, ORI, GC, MX, RR*</i>	<i>R1 Provided Setback</i>	<i>A, GI, LI</i>	<i>A Provided Setback</i>
Crushing or rock processing of stone, gravel or other material	300 ft.	1,000'	150 ft.	160'
Stockpile of materials	300 ft.	817'	150 ft.	150'
Building used for mineral mining operation	300 ft.	1,162'	50 ft.	54'

*RR refers to the Rural Residential land use designation and is intended to be treated as land zoned residential

2. **Signage §1-19-6.300:** The Applicant is permitted to have 44 square feet of total signage based on the length of the building that faces the street. The eastern side of the office building is used to determine building frontage. The maximum height for the sign is 25 feet. The signage calculation is listed in Signage Note #11 on Sheet 1 of the site plan. No sign is depicted on the site plan. An approved permit from the Department of Permits and Inspections is required prior to the installation of a future sign. Sign details and the location must be depicted on the site plan prior to final signature approval.
3. **Landscaping §1-19-6.400:** The Applicant has provided a landscaping plan on Sheet 3 of the site plan, which shows five (5) deciduous trees and evergreen species, along with a 30-inch diameter Pin Oak species, to meet the street tree requirement along MD 85. In accordance with §1-19-6.400.D.2, vegetative canopy coverage is provided within the 8-space parking lot adjacent to the office building, equaling 31% coverage of this small parking lot.
4. **Screening §1-19-6.400 & §1-19-10.400.7.A.1.g:** The Applicant has provided significant landscaping screening, 50' to 60' in width, with evergreen/coniferous species, along the southeast corner of the site to provide an aesthetic buffer for the adjacent residential properties. The existing hedge-row on the southern property border will also be enhanced with a row of coniferous and evergreen species. However, the symbols for the new evergreen plantings in this area are placed on top of the depiction of the existing tree line.

Fencing is required around all accessory activity areas associated with mineral mining per § 1-19-10.400.7.A.1.i of the Zoning Ordinance. The Applicant has proposed an 8-ft., chain-link fence with slats around the southern and eastern portions of the development site. Staff recommends a 15-ft opaque fence or similar architectural screen be installed along the southern and eastern sides of the facility to provide additional concealment of the truck staging area and large truck parking planned in these locations. Given the stockpiling areas and plant equipment will rise from 60 to 100 feet in height, additional screening of associated truck parking and movement areas is warranted, given the proximity to MD 85 and the four (4) residential dwellings near the site.

5. **Lighting §1-19-6.500:** The Applicant has submitted a Photometric Plan on Sheet 3 that shows a total of seven (7) light poles around the office building, along the northern property line, and at the two (2) entrances to the site, which do not exceed the Zoning Ordinance's 24-ft height standard or the 0.5 foot candle measurement at the property line.

The Applicant states on Sheet 3 that the depiction of foot candles around the plant is an "estimate" because the design of the plant, the number of needed lights, and the identification of specific equipment and their locations that will have lighting is unknown at this point. However, equipment lighting will exceed 24 ft. and will be provided for emergency or safety purposes, which is exempt from the lighting requirements in the Zoning Ordinance per §1-19-6.500(E).

The Plan includes the notation that lighting shall be designed and installed to be fully shielded and directed downward to prevent glare and light trespass onto adjacent properties, roadways, and the nighttime sky.

Conditions

1. The Applicant shall revise Site Plan note no. 13 regarding fencing and the accompanying graphic to show a 15-ft opaque fence or similar architectural screen.
2. The Applicant shall shift the landscape buffer on the south side of the site to be located south of the existing hedge-row/tree line, where it currently shows overlap.
3. The Applicant shall remove the two (2) trees from the water line easement and relocate them outside of the water line easement.
4. Prior to final signature approval, the Applicant shall supply final asphalt plant design plans for the site plan file that contain descriptions, dimensions, drawings and images of all plant equipment, components, and facilities, including the number and location of all equipment lighting.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

Findings/Conclusions

1. **Access/Circulation:** Access to this site is by a 24-ft. wide Portland Cement concrete roadway, within a 50-ft common access easement, that provides access to the adjacent quarry and the York Building Products facility from Buckeystown Pike (MD 85). The Applicant has been coordinating with the MDOT State Highway Administration (SHA) to improve access at the site by widening MD 85 in the site vicinity to provide a longer and wider southbound deceleration lane and northbound by-pass lane. A graphic of the future road improvement is provided on Sheet 5. These improvements will need to be completed to the satisfaction of the State Highway Administration in order to obtain building permits for the development project.
2. **Connectivity §1-19-6.220 (F):** The existing entrance lane provides access to other mineral mining uses and locations, connecting adjacent parcels through a shared transportation element.
3. **Public Transit:** This site is not directly served by TransIT, however the Route 85 shuttle, which operates Monday through Friday, does come in proximity to the site as it traverses English Muffin Way.
4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** The proposed asphalt plant will have a maximum of 5 employees at one time during the operation of the facility. The Applicant is required to provide 8 parking spaces (1 for every 2 employees and 1 for each of the 5 vehicles used in the business), including 1 ADA accessible space. The eight (8) parking spaces are located in front of the 1,200 square foot office building, south of the stockpile area.

There is a 'large truck parking area' near the office building that requires further explanation regarding the number of trucks using the area, the duration of use, and whether there is a fleet of trucks permanently parked or stored on site.

5. **Loading Space §1-19-6.210:** The Applicant is required to provide 1 large loading space in accordance with §1-19-6.210, based on the square footage of the office building. One large loading space is provided.
6. **Bicycle Parking §1-19-6.220 (H):** Due to the small size of the office building, no bicycle parking is required for this use on this site.
7. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The site is a place of business without any retail component and is located outside of a designated growth area. Employees will park in the parking spaces adjacent to the office building on site.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

1. **Water and Sewer:** The site is not within a water and sewer service area and is classified No Planned Service on the County's Water and Sewerage Plan. The facility will be served by a private well and septic system. The Health Department has conditionally approved this plan. The Health Department site plan must be finalized prior to building permit approval.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Topography:** The site is quite flat, with a minor 10-ft. elevation difference on the entire site.
2. **Vegetation:** The site contains a natural hedgerow along the southern and western property boundaries. The remaining areas of the site are comprised of manicured lawns.
3. **Sensitive Resources:** There is a stream system, plus LsA Flooding soils and FEMA 100-year floodplain located on the property. These resources are located outside the proposed area of development and are not impacted.
4. **Natural Hazards:** A 2016 report from ECS Mid-Atlantic, LLC entitled, *Preliminary Subsurface Exploration and Geotechnical Engineering Analysis*, evaluated the soils and geology of the site and concluded "potential sinkhole prone zones may be encountered on this site due to the presence limestone underlying the site." The ECS report contains many recommendations pertaining to all aspects of building and construction including site grading and fill. A reference to this report is included in site plan note no. 20 regarding sinkholes and construction recommendations.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

1. **Proposed Common Area:** The site is a place of business used for an asphalt plant without any retail component. There are no common areas proposed.

Other Applicable Regulations

Stormwater Management – Chapter 1-15.2: A Stormwater Management (SWM) Concept/Development Plan for the facility has been approved through AP# 18003. Additional stormwater management review will occur at the future Improvement Plan stage of the approval process.

APFO – Chapter 1-20:

1. **Schools.** The site is a non-residential use and therefore exempt from school testing.
2. **Water/Sewer.** The site is classified as W-NPS/S-NPS and therefore is exempt from water and sewer testing, as no connection to the public water or sewer system will be made.
3. **Roads.** Based upon a traffic analysis memo from the Traffic Group to the State Highway Administration, dated January 15, 2018, this project is expected to generate less than six (6) peak hour trips and is exempt from further APFO review.

Forest Resource – Chapter 1-21: FRO requirements for the mineral mining portion of the site were previously provided as part of the York Building Products site plan process. To satisfy Condition #1 of Sketch Plan approval (AP 17417), a new FRO application was submitted to provide mitigation for the 3 acres of Ag-zoned land added to the mineral mining parcel. This FRO Plan for the 3-acre Addition parcel was approved on November 2, 2018. No forest or specimen trees are present on the 3-acre Addition parcel, however an afforestation of 0.6 acres (20%) is required. To satisfy this afforestation requirement, the Applicant will submit a transfer of Forest Banking Credits prior to lot recordation, grading permits, or building permits, whichever comes first.

Thirteen (13) specimen trees are present on the site; none are proposed for removal.

Historic Preservation – Chapter 1-23: There are no sensitive historic resources on this property.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Conditional Approval
Development Review Planning:	Hold: Address all agency comments as the plan proceeds through to completion.
State Highway Administration (SHA):	Approved
Div. of Utilities and Solid Waste Mngt. (DUSWM):	N/A
Health Dept.	Conditional Approval
Office of Life Safety	Conditional Approval
DPDR Traffic Engineering	Approved
Historic Preservation	N/A

RECOMMENDATION

The CJ Miller Asphalt Plant Site Development Plan is presented to the Planning Commission for approval for construction of a hot-mix, continuous-type asphalt production facility that utilizes aggregate stone and reclaimed/recycled asphalt product (RAP), with various plant components (previously described in the Staff Report) on a 25-acre site. If the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval and will therefore expire on January 9, 2022.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, and FRO requirements once all conditions are met and if the modifications are granted:

1. Prior to final signature approval, the Applicant shall revise Site Plan note no. 13 regarding fencing and the accompanying graphic to show a 15-ft opaque fence or similar architectural screen.
2. Prior to final signature approval, the Applicant shall shift the landscape buffer on the south side of the site to be located south of the existing hedge-row/tree line, where it currently shows overlap.
3. Prior to final signature approval, the Applicant shall remove the two (2) trees from the water line easement and relocate them outside of the water line easement.
4. Prior to final signature approval, the Applicant shall supply final asphalt plant design plans for the site plan file that contain descriptions, dimensions, drawings and images of all plant equipment, components, and facilities, including the number and location of all equipment lighting.
5. Prior to final signature approval, the Applicant shall add details and information on the plan about the large truck parking area, including the number of trucks, duration of use, and number of trucks permanently stored on the site.
6. Prior to final signature approval, the Applicant shall submit to the Planning Department a

Suppression and Containment Plan for fugitive dust and particulates from moving and hauling the crushed stone and RAP, as well from the interior roadway, for attachment to the Site Plan.

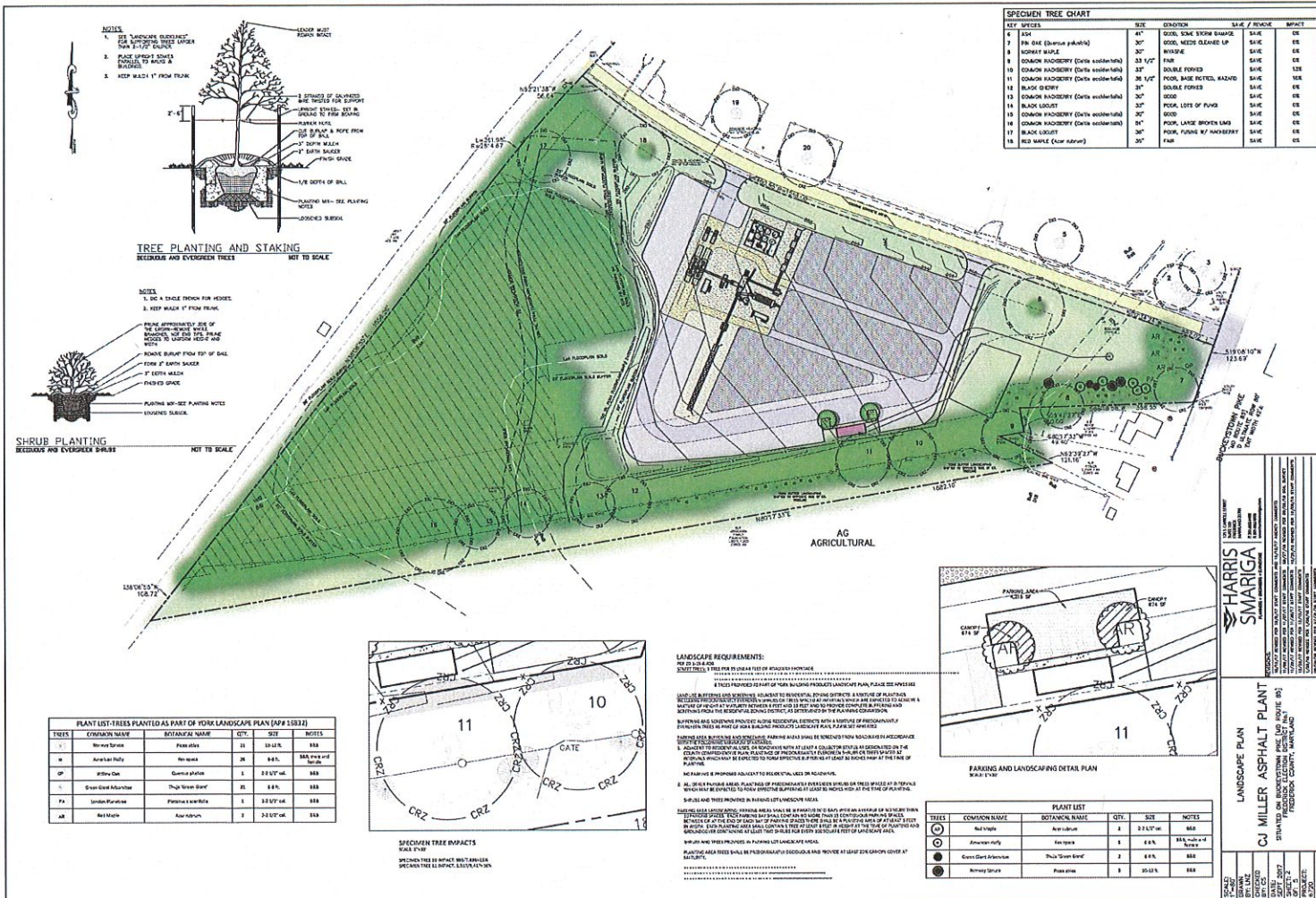
7. Prior to final signature approval, the Applicant shall record the Combined Preliminary Plan/Final Plat for 5703 Urbana Pike, LLC, Lots 1 and 2.
8. Prior to final signature approval, the Applicant shall revise the name of the ownership entity to show "Double M LLC" as indicated on the State Department of Assessments and Taxation web page.
9. Prior to issuance of a Frederick County building for the asphalt facility, an air quality Permit to Construct from MDE must be obtained.
10. Prior to issuance of a Frederick County building permit for the asphalt facility, a MDOT SHA access permit must be obtained for all Buckeystown Pike (MD 85) improvements listed in the Staff report and on the Site Plan.
11. A transfer of Forest Banking Credits must be submitted prior to lot recordation, issuance of grading permits or issuance of building permits, whichever comes first.
12. Sign details and the location must be depicted on the site plan prior to final signature approval.
13. Address all agency comments as the plan proceeds through completion prior to final signature approval.

PLANNING COMMISSION ACTION
MOTION TO APPROVE

I move that the Planning Commission **APPROVE** Site Plan SP-16-04A, AP 17807 **with conditions** as listed in the staff report for the proposed asphalt production plant, on a 25-acre site, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Page 14 of 14

EX.





FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING & PERMITTING

Department of Development Review

Jan H. Gardner
County Executive

Steven C. Horn, Division Director
Shawna Lemonds, Director

EX 2

October 5, 2016

Miles & Stockbridge, PC
c/o Noel S. Manalo, Esq.
30 West Patrick Street, Suite 600
Frederick, MD 21701
nmanalo@milesstockbridge.com

Re: Essroc Cement Corp.
Property located south of Lime Kiln Road
Tax Map 95, Grid 19, Parcel 88
Tax ID #01-000128, 48.48 acres
SP-87-09

To Whom It May Concern,

This office has received your Zoning Verification inquiry on September 22, 2016, "requesting your determination that an asphalt plant is permitted..." Your letter further explains "The Applicant anticipates a state of the art, 400 ton per hour hot mix asphalt facility. The asphalt plant will purchase raw materials directly from the mineral mining site ... The Applicant anticipates an office, scale house and stone storage area as part of the facility."

The above referenced property (Property) is currently zoned Mineral Mining (MM) under the Frederick County Zoning Ordinance (Ordinance).

Ordinance Section 1-19-10.400.6 *MINERAL MINING, LAND USE* states "... processing of crushed stone, building stone, sand, clay, limestone, gravel deposits, and other minerals mined in a quarry type operation."

Ordinance Section 1-19-10.400.6, Subsection A(1), further states "... processing, including grinding, polishing, washing, mixing and sorting, stockpiling, and manufacture of finished products which contain at least 40% of material derived on site ..."

Based on the above information and the information submitted by the Applicant, it would be allowable for the owner of the Property to apply to establish an asphalt plant on the Property, subject to permit application and review by this office and any other local, County, State, and Federal regulations.

If you have any further questions, please contact me at 301-600-1491.

Sincerely,

Larry W. Smith
Zoning Administrator

cc: ZV16-60, AP#16870
ec: Shawna Lemonds
Michael Chomel



**DIVISION OF PLANNING AND PERMITTING
FREDERICK COUNTY, MARYLAND**

Office of the Zoning Administrator

30 North Market Street • Frederick, Maryland 21701
301-600-2572 • FAX 301-600-2309 • TTY: Use Maryland Relay
www.FrederickCountyMD.gov/planning

ZONING VERIFICATION REQUEST-APPLICATION (Phase 4)

Zoning verification letters will contain information relating to the current zoning use, compliance and any existing zoning violations of the requested property.

Required Information:

- ☒ Memo or Statement (including specific determination or zoning information you may require) addressed to Mr. Larry Smith, Zoning Administrator, 30 N. Market Street, Frederick, MD 21701

Note: Information can be obtained from either the property owner or the Maryland Department of Assessments and Taxation, Phone (301)815-5350, www.dat.state.md.us

Please note: The \$112.00 fee is charged per parcel lot, permit number, unit number, or tenant number. Request with multiple tenants, such as a shopping center or office complex, requires a separate request and fee for each tenant occupying the space, refer to page #2 of application.

1. Commercial or Residential (Circle one)

Tax Map 95 Parcel # 88 Tax ID# 01-000128 Lot # _____

Property Owner 5703 Urbana Pike, LLC

Property Address and or Description of the Subject property Buckeystown Pike, S of Line Kiln Road

Owner/Applicant Double M, LLC
Address c/o Noel S. Manalo, Esq.
30 W. Patrick Street, Suite 600, Frederick, MD 21701
Phone 301-662-5155
Check one for Determination Letter:
☐ Mail ☒ Email nmanalo@mlsstockbridge.com

CDD-Dev. Review

<u>Cterm</u>
File #: <u>2016-000</u>
A/P #: <u>11/8/16</u>
Due Date: <u>10/2/16</u>

Notes: 1. Review comments Frederick County Web Site : <http://www.frederickcountymd.gov/index.aspx?nid=2532>
2. Only complete submissions will be credited on the date received

Noel S. Manalo, Agent

Printed name

Noel S. Manalo, Agent
Signature of Owner or Applicant

FEES

Checks made payable to Treasurer of Frederick County-Additional fees may be due per Fee Ordinance Resolution 12-07

(ZONVER)

1. Zoning Fee per request =	\$112.00
2. Number of Request =	
Total=	

7/2016

EX2

Real Property Data Search (w2)

Guide to searching the database

Search Result for FREDERICK COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 01 Account Number - 000128							
Owner Information									
Owner Name:		5703 URBANA PIKE LLC				Use:		COMMERCIAL	
Mailing Address:		950 SMILE WAY				Principal Residence:		NO	
		YORK PA 17404-				Deed Reference:		/11227/ 00331	
Location & Structure Information									
Premises Address:		LIME KILN RD 0-0000				Legal Description:		48.48 ACRES S/S NEW DESIGN RD W/LIME KILN RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0095	0019	0088		0000				2016	Plat Ref:
Special Tax Areas:					Town:		NONE		
					Ad Valorem:		140		
					Tax Class:				
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use	
						48.4800 AC			
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
Value Information									
			Base Value	Value As of 01/01/2016	Phase-in Assessments As of 07/01/2016		As of 07/01/2017		
Land:			1,299,200	1,299,200					
Improvements			0	0					
Total:			1,299,200	1,299,200	1,299,200		1,299,200		
Preferential Land:			0				0		
Transfer Information									
Seller: COPLAY CEMENT COMPANY				Date: 06/29/2016		Price: \$1,440,000			
Type: NON-ARMS LENGTH OTHER				Deed1: /11227/ 00331		Deed2:			
Seller: COPLAY CEMENT CO				Date: 12/21/1989		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /01179/ 00660		Deed2:			
Seller: ALPHA PORTLAND CEMENT CO.				Date: 09/16/1982		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /01179/ 00660		Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2016		07/01/2017			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Homestead Application Information									
Homestead Application Status: No Application									

1. This screen allows you to search the Real Property database and display property records.
2. Click here for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.



Noel S. Manalo
301.698.2321
nmanalo@milesstockbridge.com

September 16, 2016

Mr. Larry W. Smith
Zoning Administrator
Frederick County, Maryland
30 North Market Street
Frederick, Maryland 21701

Re: Determination of Permitted Use for an Asphalt Plant in Mineral Mining ("MM") Zoning District

Dear Mr. Smith:

Please accept this letter as a formal request on behalf of Double M, LLC ("Applicant") for a determination that the use, as described below, is permitted and consistent with the Frederick County Zoning Ordinance (the "Zoning Ordinance") in the MM zone. The Applicant is currently undergoing studies of property located at Buckeystown Pike, south of Lime Kiln Road, adjacent to the Essroc site.

Zoning Ordinance Section 1-19-10.400.6 permits "processing of crushed stone, building stone, sand, clay, limestone, gravel deposits, and other minerals mined in a quarry type operation", as well as "processing, including grinding, polishing, waxing, mixing and sorting, stockpiling and manufacture of finished products which contain at least 40% of material derived on site". The Applicant is requesting your determination that an asphalt plant is permitted under these provisions.

The Applicant anticipates a state of the art, 400 ton per hour hot mix asphalt facility. The asphalt plant will purchase raw materials directly from the mineral mining site. As with the planned York Building Products use, the collocation of related mineral mining uses enhances efficiencies and minimizes impacts to public facilities; the collocation of the plant with the mining material source will significantly decrease current truck traffic coming from the mineral mining site.

The plant will utilize the latest technology for maximum efficiency, quality and safety, including environmentally sensitive design to minimize emissions and reduce fuel and power usage. The Applicant anticipates an office, scale house and stone storage area as part of the facility. The site plan approval process would address all concerns related to standards and impacts for such a facility, and the plant will be designed to comply with all applicable state and federal standards.



Mr. Larry Smith
September 16, 2016
Page 2

For the above reasons, we submit that, subject to site plan approval, the use described above is permitted with site plan approval in the MM zone. We therefore respectfully seek from you a determination confirming the permissibility of the use, as discussed in this letter.

I have enclosed a check in the amount of \$112.00, and the form for a zoning verification letter. If you have questions, or need additional information in order to make this determination, please feel free to contact me. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script, reading 'Noel S. Manalo'.

NOEL S. MANALO

cc: Double M, LLC

**FREDERICK COUNTY PLANNING COMMISSION****August 9, 2017**

TITLE: CJ Miller Sketch Plan

FILE NUMBER: M-3172, AP 17417 (APFO N/A, FRO N/A)

REQUEST: **Sketch Plan (Non-Binding Approval)**
The Applicant is requesting non-binding Sketch Plan approval to utilize 3 acres of land in the Agricultural zoning district in order to achieve the 25-acre minimum lot size for a future lot in the Mineral Mining zoning district.

PROJECT INFORMATION:

ADDRESS/LOCATION: Located on the west side of MD 85, Buckeystown Pike, south of Lime Kiln Road

TAX MAP/PARCEL: Map 95, Parcel 88

COMP. PLAN: Mineral Mining

ZONING: Mineral Mining

PLANNING REGION: Adamstown

WATER/SEWER: No Planned Service

APPLICANT/REPRESENTATIVES:

APPLICANT: CJ Miller

OWNER: 5703 Urbana Pike, LLC

SURVEYOR/ENGINEER: Harris Smariga & Associates

ARCHITECT: N/A

ATTORNEY: N/A

STAFF: Tim Goodfellow, Principal Planner II

ATTACHMENTS:

EXHIBIT 1- Sketch Plan

STAFF REPORT

ISSUE

The Applicant is requesting Sketch Plan approval for the addition of 3 acres of Agriculturally-zoned land to a parcel zoned Mineral Mining in order to meet the minimum 25-acre lot size in the Mineral Mining zoning district for a future subdivision. The Sketch Plan process is offered to Applicants so that they may receive the opinion of the Planning Commission before committing to the preparation of Preliminary or Combined Preliminary/Final subdivision plan.

In accordance with §1-16-59 of the Subdivision Regulations, the FcPc shall give its opinion regarding the sketch plan and may grant non-binding approval of the lot layout for the purpose of percolation testing only. The review of the sketch plan does not infer any special status on the plan, but is only to allow a subdivider to determine feasibility of the project prior to incurring costs for surveying and engineering.

§1-16-59 (H-I) of the Subdivision Regulations outlines the items that the FcPc should review on sketch plan applications;

(H) The Planning Commission will in general be reviewing the sketch plan with regard to the following points:

- (1) Interior street configuration;*
- (2) Entrance locations (both new streets and driveways);*
- (3) Traffic effect on existing and proposed roads;*
- (4) Type of water and sewage system;*
- (5) Feasibility of a subdivision in the area:*
 - (a) Total number and size of lots;*
 - (b) Effect of building in school district, school bus service;*
 - (c) Approximate lot layout, parkland, reserved areas.*
- (6) New techniques in land development.*
- (7) Preservation of environmental features.*
- (8) Conformance with the Comprehensive Plan.*

(I) The Commission will be reviewing at a minimum the general suitability of design with regards to topography, drainage, erosion and vertical alignment of streets, and preservation of environmentally sensitive areas.

BACKGROUND

The subject property is 48.4 acres in size and was granted Site Development Plan approval in November 2016 for development of a 33,750 square foot building for manufacturing and assembly of concrete block, and the storage of manufactured products (York Building Products). The applicant desires to subdivide the 48-acre parcel into 2 lots, one of which (lot 1) would be the location of the recently approved manufacturing facility and the other (lot 2) would be used for a future use associated with the adjacent Argos USA, LLC (formerly Greyrock, LLC) mining facility.

However, 1-19-10.400.7(B)(1) of the Zoning Ordinance requires a 25-acre minimum lot size in the Mineral Mining Zoning District. Section 1-19-10.400.7(B) of the Zoning Ordinance states that "Development standards for the property with existing mineral mining zoning as of April 27, 2012. (1) The minimum lot size for all permitted uses within the district will be 25 acres."

CJ Miller Sketch Plan

August 9, 2017

Page 2 of 12

Future proposed Lot 2, as conceptually designed, is only 22.03 acres in size. The Applicant proposes to utilize and add 3-acres of an adjacent Agriculturally-zoned parcel to create a 25-acre, Mineral Mining lot. The issue for the Planning Commission to decide is whether 3-acres of land zoned Agricultural can be used to satisfy the deficiency in the size of the Mineral Mining-zoned portion of the Applicant's proposed Lot 2.

Any decision that the Planning Commission makes on the zoning district and property addition issue at this time is non-binding. The Applicant will submit a Preliminary Subdivision Plan or a Combined Preliminary/Final Plat to the Planning Commission in the future to create lots.

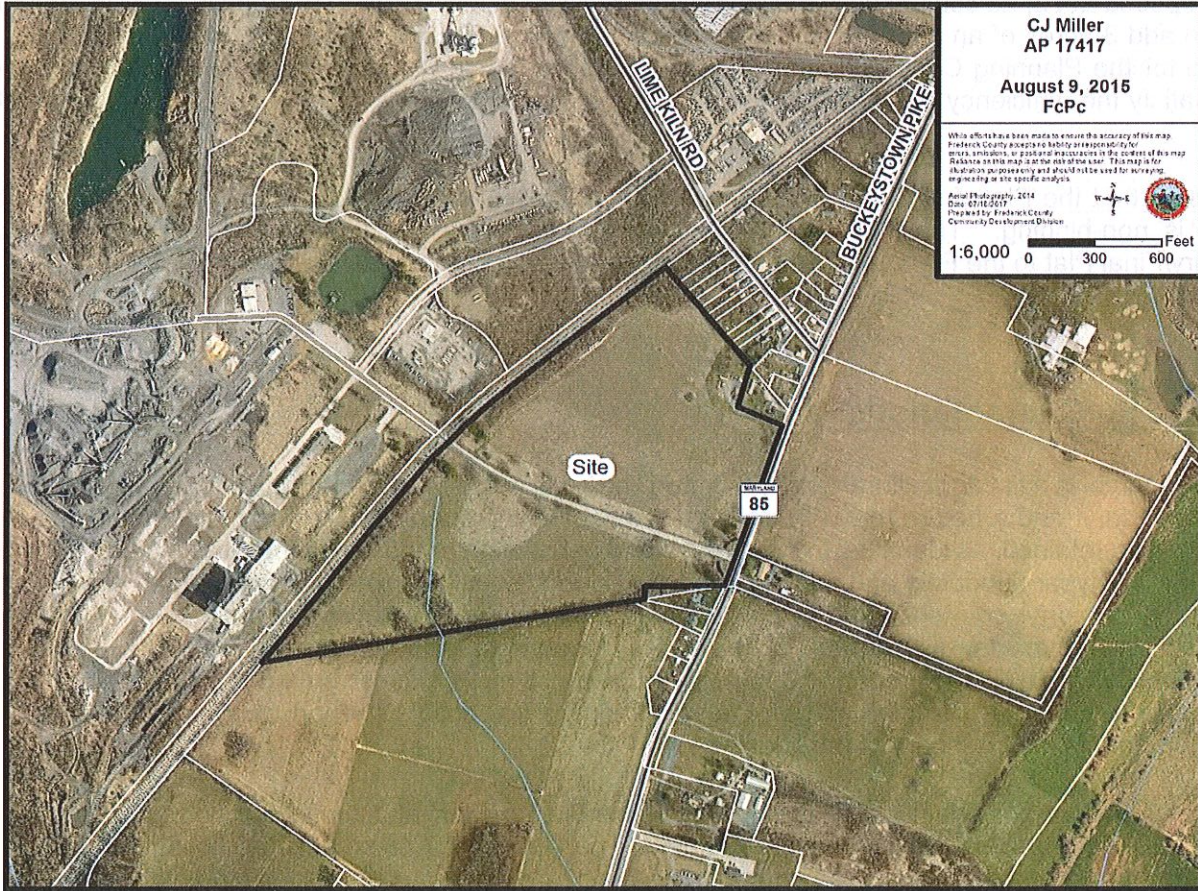
Existing Site Characteristics

The subject parcel is a flat agricultural field with a tree line adjacent to the railroad which forms the western property boundary, and a hedge row with trees on the southern property line that contains 12 specimen trees that will be retained, as identified in the forest stand delineation prepared for the November 2016 site plan. FEMA 100-year floodplain and flooding soils (LsA—Linside silt loam) are present in the southwest portion of the property, corresponding to the drainage of a tributary to Rocky Fountain Run. The LsA flooding soils on the site, as shown on the U.S. Department of Agriculture's National Resource Conservation Service (NRCS) Frederick County Soil Survey, is more extensive than that depicted on the Sketch Plan. At the future site plan stage of development, a soil analysis report must be submitted for approval to address the boundary of the flooding soil.

The required 25-foot floodplain buffer is shown on the Sketch Plan and the entire floodplain area is proposed for a future forest conservation easement. The Applicant has stated that no future uses or structures on proposed Lot 1 will be placed within the 3-acres of Agriculturally-zoned land, if the Planning Commission approves the current request.

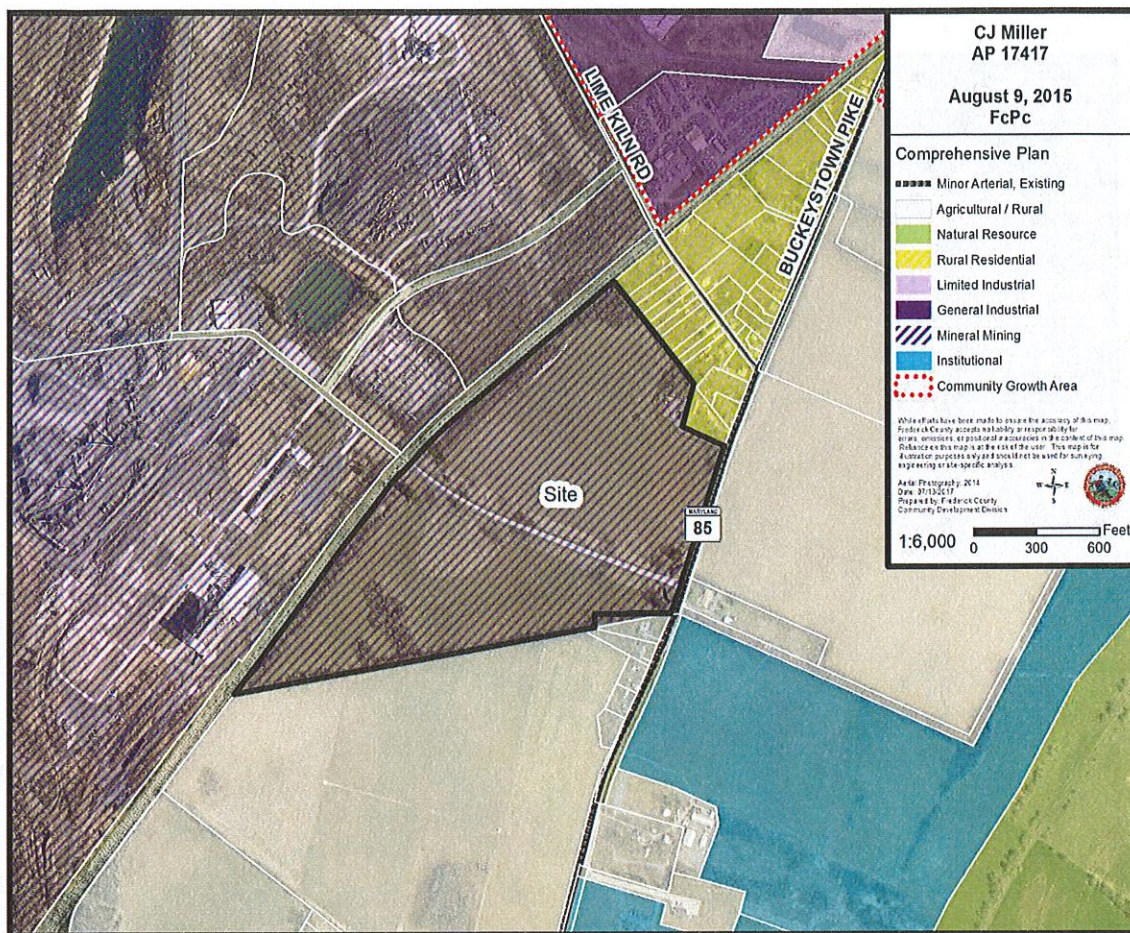
EX-3

DEVELOPMENT SITE AND SURROUNDINGS

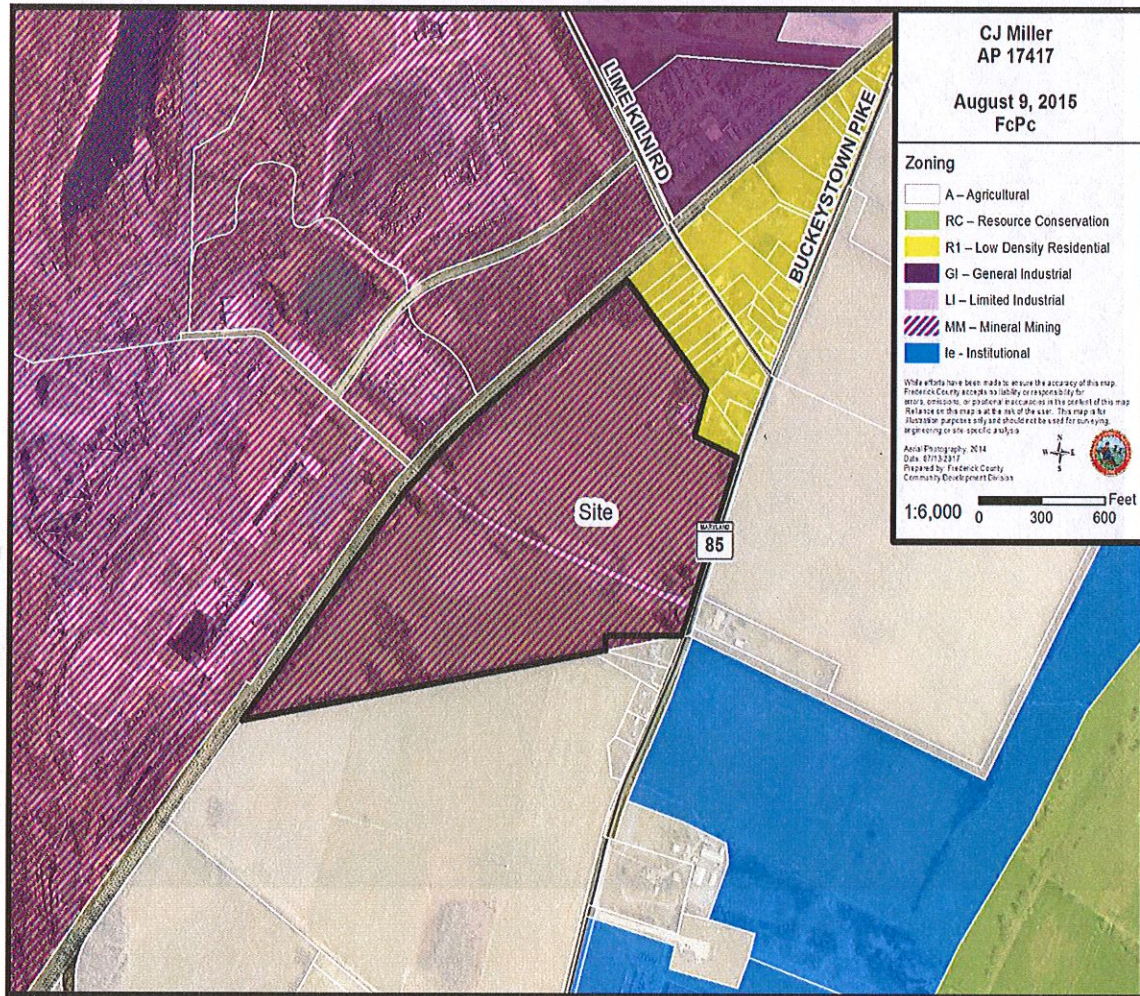


EX. 3

COMPREHENSIVE PLAN



ZONING



ANALYSIS

A. § 1-16-59(H). Sketch Plan Review Criteria.

- (1) *Interior street configuration;*
- (2) *Entrance locations (both new streets and driveways);*

The property is bisected by an existing 24-ft. wide private roadway from MD 85, Buckeystown Pike, that serves as the main entrance into the quarry. This roadway will serve the approved York Building Products facility (future lot 1) and future uses on the property (future lot 2). Prior to approval of subdivision of the subject property, an easement that grants access to the adjacent quarry property must be recorded.

- (3) *Traffic effect on existing and proposed roads;*

The York Building Products Site Plan was subject to the APFO and was required to contribute to escrow accounts for improvements to surrounding intersections that will be impacted by the development of the site (future lot 1). Future development on proposed lot 2 will be subject to the APFO and fair share contributions to existing escrow accounts for traffic impacts to nearby intersections.

- (4) *Type of water and sewage system;*

The property is designated No Planned Service (NPS) on the Water and Sewerage Plan. The proposed lots will be served by private wells and individual septic systems.

- (5) *Feasibility of a subdivision in the area:*

- (a) *Total number and size of lots;*
- (b) *Effect of building in school district, school bus service;*
- (c) *Approximate lot layout, parkland, reserved areas.*

The Applicant seeks to create 2 lots from the 48+/- acre parcel, but cannot meet the 25-acre lot size in the Mineral Mining zoning district for proposed lot 2 without the addition of 3 acres from an adjacent parcel. However, the adjacent parcel to the south is zoned Agricultural, hence the request for Sketch Plan approval to permit 3 acres of Agricultural zoning to be used to satisfy the 25-acre Mineral Mining lot size requirement.

If the request is granted, the lots will meet the minimum lot widths and building/operation setbacks in accordance with §1-19-10.400.7 Mineral Mining Development Standards of the Zoning Ordinance.

If the request is granted, the proposed subdivision will be considered a minor, non-residential subdivision and be exempt from APFO schools testing. Parkland dedication is not required for minor subdivisions.

- (6) *New techniques in land development.*

No new techniques are being utilized.

- (7) *Preservation of environmental features.*

The 8.05-acre floodplain area on the property will be reforested and protected per the approved forest conservation easement recorded as part of the York Building Products Site Plan. If the current request is granted, the preservation of specimen trees, and the existing forest easement, as recorded, will apply to any future development on proposed Lot 2.

(8) Conformance with the Comprehensive Plan.

The 48 acres of Mineral Mining zoned property also has a Mineral Mining land use designation on the Comprehensive Plan. The Comprehensive Plan describes the Mineral Mining designation as follows: *This designation is primarily applied to areas under active mining operations and more recently has been applied to areas where future mining and associated activities may occur. The corresponding zoning district is Mineral Mining (MM), which is a floating zone that can only be applied as a piecemeal rezoning process. This zoning district also permits associated processing uses related to the mining, such as asphalt plants and concrete block manufacturing.*

The 3 acres of Ag zoned land proposed to be added for the purposes of meeting the minimum lot size of 25 acres has a comprehensive plan designation of Agricultural. The Agricultural land use designation is applied primarily to areas outside of Community Growth Areas that may include active farmland, fallow lands, and residential lots that have been developed in the Agricultural Zoning District.

The Agriculturally-zoned land will not be developed with Mineral Mining uses or structures, and will only be used to meet the minimum lot size regulations.

§ 1-16-59(I). Sketch Plan Review –Additional Criteria.

(I) The Commission will be reviewing at a minimum the general suitability of design with regards to topography, drainage, erosion and vertical alignment of streets, and preservation of environmentally sensitive areas.

The site is a flat agricultural field and protections have been placed on the sensitive environmental elements through an existing forest conservation easement on the FEMA 100-year floodplain. Specimen trees on site will be retained as described in the approved Forest Conservation Plan. Future site development plan review will address drainage and stormwater management.

B. OTHER SUBDIVISION REGULATION REQUIREMENTS

- 1. Land Requirements §1-16-217 (A):** *The land use pattern of the Comprehensive Plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision.*

The subject property has a Mineral Mining land use designation on the Comprehensive Plan. The Comprehensive Plan describes the Mineral Mining designation as follows: *This designation is primarily applied to areas under active mining operations and more recently has been applied to areas where future mining and associated activities may occur. The corresponding zoning district is Mineral Mining (MM), which is a floating zone that can only be applied as a piecemeal rezoning process. This zoning district also permits associated processing uses related to the mining, such as asphalt plants and concrete block manufacturing.*

The 3 acres of Ag zoned land proposed to be added for the purposes of meeting the minimum lot size of 25 acres has a comprehensive plan designation of Agricultural. The Agricultural land use designation is applied primarily to areas outside of Community Growth Areas that may include active farmland, fallow lands, and residential lots that have been developed in the Agricultural Zoning District.

The Agriculturally-zoned land will not be developed with Mineral Mining uses or structures, and will only be used to meet the minimum lot size regulations.

- 2. Land Requirements §1-16-217 (B):** *The subdivision design shall take advantage of the uniqueness of the site reflected by topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.*

The site design takes advantage of the site topography, wooded areas, water bodies, and adjoining subdivisions, and land uses. The lots will be designed around the existing driveway, wells, and septic areas. No new impacts to environmental features is proposed.

- 4. Water and Sewer Facilities. Public Facilities §1-16-12 (C):** *The proposed subdivision shall be disapproved unless each building lot has been approved for individual and/or community sewerage and water facilities by the Health Department.*

The property has a water and sewer classification of No Planned Service and will utilize private wells and septic systems. The percolation tests for the updated septic area will be performed after the approval of this sketch plan.

Subdivision Regulation Requirements Findings/Conclusions: The project will meet all Subdivision Regulation requirements if the Planning Commission finds acceptable the utilization of 3 acres of land in the Agricultural zoning district in order to achieve the 25-acre minimum lot size for a future lot in the Mineral Mining zoning district.

C. OTHER APPLICABLE REGULATIONS

- 1. Stormwater Management – Chapter 1-15.2:** Stormwater management will be provided in accordance with the Maryland SWM Act of 2007. Stormwater management will be addressed with future plan submittals.
- 2. APFO – Chapter 1-20:** This minor subdivision is exempt from APFO requirements. APFO conditions and approvals related to the York Building Products Site Plan continue to apply.
- 3. Forest Resource Ordinance – Chapter 1-21:** FRO requirements for the mineral mining portion of this application have been provided as part of the York Building Products site plan process. A new FRO application must be submitted with the next phase of the subdivision process (Preliminary Plan or Combined Preliminary/Final Plat) to provide mitigation for the 3 acres being added to the mineral mining parcel.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Conditional Approval. Driveway apron may require upgrading.
Development Review Planning:	Hold. Must meet all agency and FcPc comments and conditions.
State Highway Administration (SHA):	Approved.
Div. of Utilities and Solid	N/A

Other Agency or Ordinance Requirements	Comment
Waste Mngt. (DUSWM):	
Health Dept.	Conditional Approval: Percolation testing must be conducted.
Office of Life Safety	N/A
DPDR Traffic Engineering	Approved.
Historic Preservation	N/A
Forest Resource Ordinance	Conditional Approval: If request is granted, a revised FRO Plan is required

RECOMMENDATION

The Planning Commission must determine if 3 acres of land in the Agricultural zoning district can be used to satisfy the minimum lot size requirements of the Mineral Mining-zoned portion of the Applicant's proposed Lot 2 in accordance with §1-19-10.400.7 of the Zoning Ordinance.

Staff recommends that the Planning Commission give its opinion regarding the sketch plan. The Planning Commission may or may not grant non-binding approval of the lot layout for the purpose of percolation testing only. The review of the sketch plan does not infer any special status on the plan, but is only to allow a subdivider to determine feasibility of the project prior to incurring costs for surveying and engineering.

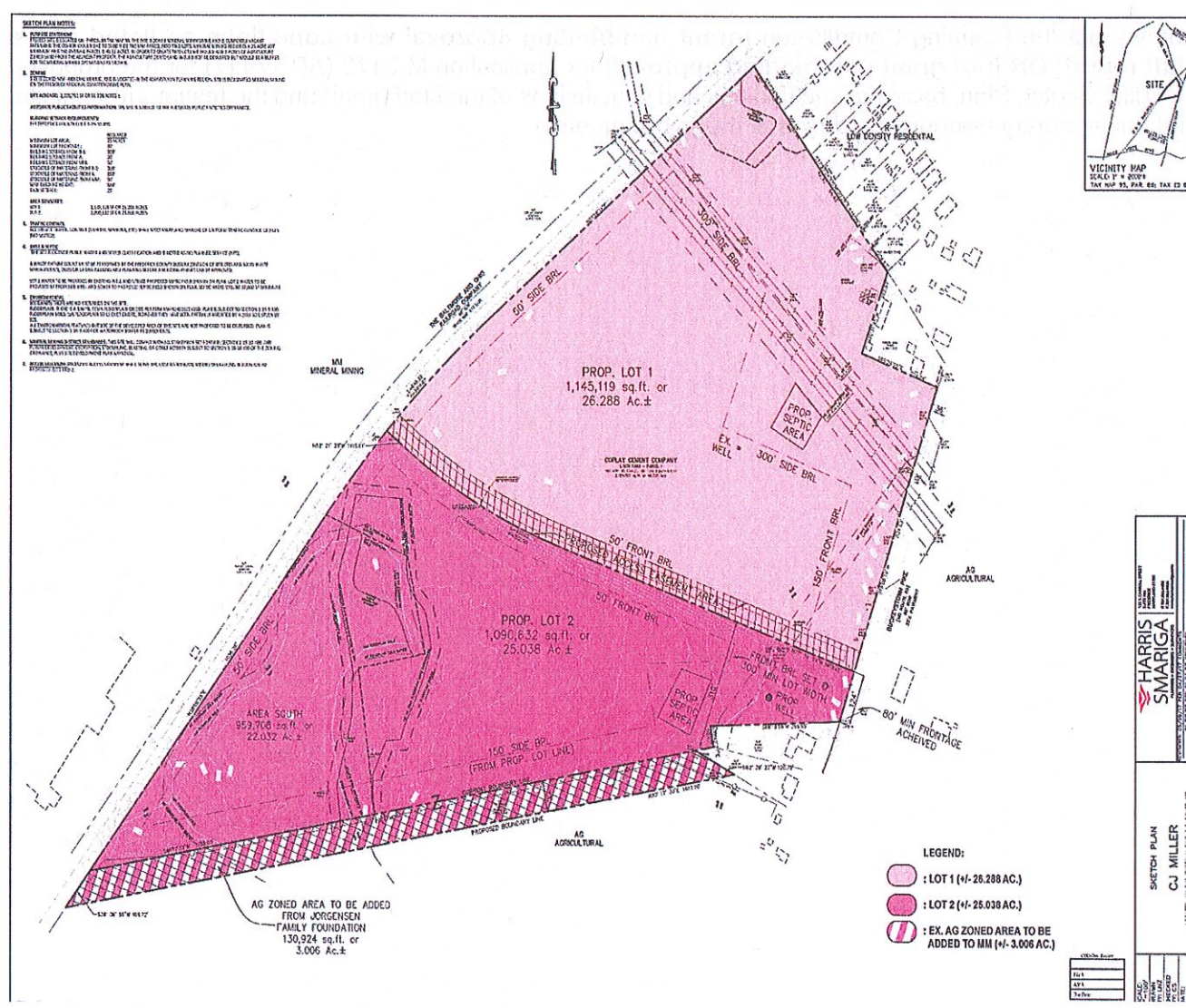
Should the Planning Commission grant non-binding approval of this application (M-3172, AP 17417), Staff recommends that the following items be added as conditions to the approval:

1. The Applicant shall submit, and have approved, a revised Forest Plan to mitigate for the 3 acres that will be added to the subject property. FRO mitigation must be provided prior to lot recordation.
2. In order to obtain subdivision approval, including approval of the use of 3 acres of Agriculturally zoned land to meet the minimum lot size in the Mineral Mining zoning district, the Applicant shall submit a Preliminary Plan or a Combined Preliminary/Final Plat to the Department of Development Review for subdivision review.
3. If the Planning Commission grants approval of the ability of the Applicant to utilize 3 acres of Agriculturally zoned land to meet the minimum lot size of 25 acres in the Mineral Mining Zone, the 3 acres of Agricultural land shall be utilized only for land uses consistent with the Agricultural zone and site plan approvals.
4. In conjunction with future site plan review, the Applicant shall submit for approval a soil analysis report that describes and delineates the LsA flooding soil or reflect the boundary of the LsA flooding soil as shown on the USDA Natural Resource Conservation Service's Frederick County Soil Survey.
5. The Applicant shall comply with all Staff and agency comments through the completion of the plan.

PLANNING COMMISSION ACTIONMOTION

I move that the Planning Commission **[grant non-binding approval with conditions as listed in the staff report] OR [not grant non-binding approval]** for application M-3172 (AP 17417) for the proposed CJ Miller Sketch Plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit No. 1



EX. 4



125 S. CARROLL STREET
SUITE 100
FREDERICK
MARYLAND 21701

P. 301.662.4488
F. 301.662.4906
www.harrissmariga.com



November 9, 2017

Tim Goodfellow
Frederick County Development Review
30 N. Market Street
Frederick, MD 21701

Re: Justification Statement – CJ Miller Site Plan
Project Number: AP#17807
HSA Job No.: 6720-CJMILLER

Dear Tim,

In accordance with 1-19-10.400.5(A)(4). Below is justification for the CJ Miller Site Plan.

The Justification is as follows:

(A) The following general development standards shall be met at the time of site development plan review in addition to the approval criteria found in 1-19-3.300.4.

(1) On site

a. Minimum lot size shall be 25 acres.

Site area is 25.04 ac.

b. Required setbacks:

Type of operation:	Adjacent Zoning: RC, R, ORI, GC, MX, RR	R1 Provided Setback:	Adjacent Zoning: A, GI, LI	A Provided Setback:
Crushing or rock processing of stone, gravel or other material	300 ft.	1000'	150 ft.	160'
Stockpile of materials	300 ft.	817'	150 ft.	150'
Building used for mineral mining operation	300 ft.	1162'	50 ft.	54'

c. Blasting activities shall be conducted in accordance with the rules and regulations promulgated by the State of Maryland, Department of Natural Resources, Water Resources Administration, applicable to surface mining activities.

No blasting activities are anticipated on site.

- d. Building Height restrictions. The height of principal use equipment shall not exceed 100 feet from grade; accessory structures shall not exceed 60 feet from grade. Agricultural buildings are exempt from height restrictions.
Proposed building height is <100 feet, the height will be close to the 100' limit but not exceed it. Accessory structures are proposed to be no higher than 25', or agricultural buildings are proposed on site.
- e. Frontage. The site shall have a minimum of 80 feet frontage on a public road meeting the collector street standards established in the comprehensive plan. Access shall not be provided by use of a panhandle.
Frontage along Buckeystown Pike (MD Rt 85) is 124 linear feet. Buckeystown Pike is classified as a minor arterial in the comprehensive plan.
- f. Lot width. The lot width at the front building line shall be a minimum of 300 feet.
Lot width at the front building line is 300 ft.
- g. Open space/green areas. All setback areas shall be landscaped and maintained as green space.
All setback areas are proposed as open space.
- h. Exclusions from setbacks. Fences, railroad access, warning signs, security/noise barriers, berms may be located within the setback areas.
Entrance gates are located within setbacks. No other exclusions are proposed at this time.
- i. Fencing. Fencing shall be required around all mineral mining and accessory activity areas.
Gates are proposed at the entrances to the site. As there is no open pit mining on site we feel that the entrance gates are satisfactory.
- j. Lighting. Lighting shall be required around all mineral mining and accessory activity areas.
Security lighting is proposed. A light will be provided for each entrance and around the proposed office, the plant will be lit by lighting attached to the equipment.
- k. Access. Commercial / industrial entrance standards shall be utilized in the design of any point of access to a public road, including acceleration and deceleration lanes.
Access to Buckeystown Pike (MD Rt 85) is via an existing private shared drive currently used by Essroc.

(2) Off-site

- a. The applicant shall establish that the roads serving the site and which will be utilized as haul routes meet the collector street standards and are capable of handling the traffic to be generated by the proposed activities.

The road serving the site is Buckeystown Pike (MD Rt 85) and is classified as a minor arterial in the County Comprehensive Plan.

- b. The applicant shall provide evidence as to what effect the proposed use will have on the groundwater supply and quality of all adjoining properties.

There will be no discharge of water used in manufacturing and well and septic meet health department regulations for setbacks and should not have an impact on neighboring properties.

- (3) Additional regulations. Mineral mining and all activities conducted on site shall meet all federal, state and local regulations governing noise, dust, air pollutant emissions, vibrations, water appropriation and discharge.

All activities conducted on site shall meet all federal, state and local regulations.

- (B) Development standards for property with existing mineral mining zoning as of April 27, 2012.

- (1) The minimum lot size for all permitted uses within the district will be 25 acres.

Site area is 25.04 ac.

- (2) All operations including storage or stockpiling of excavated or processed materials will be located a minimum of 150 feet from all property lines, except land zoned G1 general industrial or land upon which other extraction or processing operations are being conducted, in which case the setback from all property lines will be 50 feet. The required setback area will be landscaped and maintained as green area.

The eastern boundary borders Essroc and the northern boundary borders York Building Products, both are adjoining mineral mining use. The setback in these areas have been established as 50 feet. All other setbacks follow that of 1-19-10.400.7(A)(1)(b), also listed above in this document.

- (3) The public road providing access to the site will meet the minimum pavement standard of a collector street as established in the County Comprehensive Plan.

The public road providing access to the site is Buckeystown Pike (MD Rt 85) and is classified as a minor arterial in the County Comprehensive Plan.

- (4) Mineral mining operations shall conform to all State of Maryland permits and other approvals.

All operations will conform to all State of Maryland permits and other approvals.

Frederick County Planning
CJ Miller – Justification Statement
HSA Job No. 6720-CJMILLER
AP#17807
November 9, 2017
Page 4

In accordance with 1-19-10.400.5.(A)(4) The Applicant wishes to submit this justification statement describing the manner in which the proposed development will comply with the general development standards as set forth in 1-19-10.400.7.



Luke N. Zeller
Landscape Architect, Harris Smariga

cc: HSA/Planning
T:\6000's\6720\6720-MILLER\Submittals\Planning\SITE PLAN\2nd Submittal
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